

# EXHIBIT “D”

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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**SEAN TOMANY, Individually and as  
Administratror of the Estate of PATRICK  
TOMANY, deceased,**

Plaintiff,

v.

**BROOKE KOCH, PA, *et al.***

Defendants.

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**CIVIL ACTION  
No.**

**CIVIL ACTION –  
MEDICAL PROFESSIONAL  
LIABILITY**

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**CERTIFICATE OF MERIT AS TO  
DEFENDANT MOUNT NITTANY MEDICAL CENTER**

I, Braden R. Lepisto, certify that:

- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; See Pa.R.C.P. 1042.3(a)(1).
- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; See Pa.R.C.P. 1042.3(a)(2).
- ☒ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible

deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harms; See Pa.R.C.P. 1042.3(a)(2).

- ☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

**KLINE & SPECTER, PC**



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*Attorney for Plaintiff*

Date: June 27, 2023